

REMARKS

Claims 1, 3-13, 15, 17, 19-29, 31 and 33-42 are pending in the present application. By this Response, claims 1, 13, 15, 17, 29, 31, 34-36, 41 and 42 are amended. Claims 1, 17 and 31 are amended to recite "receiving from a client a request for a priced object for a selection of the item for sale at a first data processing system in a first electronic business; in response to receiving the request, generating the priced object for the selected item, the priced object describing terms of an offer of sale of the selected item by the first electronic business; transmitting from the first electronic business the priced object to the client; receiving from the client the priced object at a second data processing system in a second electronic business, wherein the second electronic business modifies the priced object; and transmitting the modified priced object from the second electronic business to the client computer." Claims 13, 29 and 42 are amended to recite "selecting the item for sale from a first electronic business server Web site; requesting a priced object for the selected item from the first electronic business server; sending the priced object to a second electronic business server; and receiving an adjusted priced object from the second electronic business server, wherein the second electronic business server adjusts the priced object." Claim 15 is amended to recite "generating a priced object for an item for sale at a first data processing system in the first electronic business, the priced object including first terms of sale of the item by the first electronic business; receiving the priced object at a second data processing system in the second electronic business; comparing the first terms of sale of the item with second terms of sale of the item associated with the second electronic business; and modifying the second terms of sale of the item based on the comparison of the first terms of sale with the second terms of sale." Support for these amendments may be found at least on page 17, line 7 to page 18, lines 21. Claims 34-36 and 41 are amended in view of the amendments to claim 31. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

I. 35 U.S.C. § 101

The Office Action rejects claims 1, 4-12 and 15 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

The Office Action rejects claims 1, 4-12 and 15 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 1 is amended to recite receiving from a client computer a request for a priced object of a selected item for sale by a first data processing system in a first electronic business and receiving by a second data processing system in a second electronic business the priced object from the client computer, wherein the second electronic business modifies the priced object, which has a practical application and is in the technical arts. Claim 15 is amended to recite generating a priced object for an item for sale by a first data processing system in the first electronic business, the priced object including first terms of sale of the item by the first electronic business and receiving the priced object by a second data processing system in the second electronic business, which has a practical application and is in the technical arts.

Therefore, Applicants respectfully submit that independent claims 1 and 15 are statutory. Since claims 4-12 depend from claim 1, they are statutory as well. Thus, Applicants respectfully request withdrawal of the rejection of claims 1, 4-12 and 15 under 35 U.S.C. § 101.

II. 35 U.S.C. § 102, Alleged Anticipation, Claims 1, 3-13, 15, 17, 19-29, 31 and 33-42

The Office Action rejects claims 1, 3-13, 15, 17, 19-29, 31 and 33-42 under 35 U.S.C. § 102(b) as being allegedly anticipated by Barni et al. (U.S. Patent No. 6,064,981). This rejection is respectfully traversed.

As to claims 1, 3-13 and 15, the Office Action states:

Barni et al. teach all the limitations of Claims 1, 3-13, and 15. For example, Barni et al. disclose a method for identifying an item for purchase to a buyer, using the online service to identify competitive prices (e.g. one or more competing businesses) for an item (e.g. a unit of cargo space), and sellers competing for the customer's business by openly

viewing competing offers (see at least abstract: col. 1, line 7 through col. 2, line 38). Barni et al. further disclose:

- Receiving a selection of an item for sale: users selecting items from a web site; central system receiving a selection of a selected unit (unit of cargo space) for sale by an entity desiring to purchase the item (see at least col. 1, lines 8-61; col. 5, lines 15-30).
- Generating a priced object: first electronic system provides sale item(s) (see at least col. 5, lines 15-30); document or other object formatted according to HTML (see at least col. 1, lines 36-41).
- Providing the priced object: central system provides priced object to a second system (see at least Fig. 2 (32); Fig. 4 (66); col. 4, lines 15-41).
- Storing priced object: central system stores priced objects in a database of item information (see at least col. 6, lines 7-17).
- Generating priced object using one of a: using web browsers, links, plug-ins, and servlets (see at least col. 3, lines 49-65).
- Second electronic system modifies priced object: an open bidding forum permits one or more online sellers of cargo space to view a competitor's bid, adjust terms of sale, and post their modified bids for consumer comparison shopping (see at least Fig. 6 (90-96); Fig. 7 (98-110); Fig. 8 (116-130); col. 6, lines 19-65).
- Encrypting priced object: security protocols, Secure Socket Layer (please note encryption is inherent in SSL) (see at least col. 3, lines 44-47).

Office Action dated September 10, 2004, pages 8-9.

Claim 1, which is representative of the other rejected independent claims 17 and 31 with regard to similarly recited subject matter, reads as follows:

1. A computer-implemented method for purchasing an item for sale, comprising:
 - receiving from a client computer a request for a priced object of a selected item for sale by a first data processing system in a first electronic business;
 - in response to receiving the request, generating by the first data processing system the priced object for the selected item, the priced object describing terms of an offer of sale of the selected item by the first electronic business;
 - transmitting by the first data processing system the priced object to the client computer;
 - receiving by a second data processing system in a second electronic business the priced object from the client computer, wherein the second electronic business modifies the priced object; and
 - transmitting by the second data processing system the modified priced object to the client computer.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Barni does not teach every element of the claimed invention arranged as they are in the claims. Specifically, Barni does not teach receiving by a second data processing system in a second electronic business the priced object from the client computer, wherein the second electronic business modifies the priced object and transmitting by the second data processing system the modified priced object to the client computer.

Barni is directed to a system for freight forwarders and carriers who can post published rate and discount information for land, sea and air bearing cargo vessels to allow customers the opportunity to evaluate competitive prices, preferably in one consolidated location. In the Barni system, a customer navigates to the site to obtain published or discounted rate information offered by a freight forwarder or carrier. The customer may accept a posted rate, in which case the site operator notifies the freight forwarder or carrier. Alternatively, customers, freight forwarders and carriers may negotiate rates for particular lanes of interest using an online interactive auction block.

Barni does not teach receiving by a second data processing system in a second electronic business the priced object from the client computer, wherein the second electronic business modifies the priced object. The Office Action alleges that Barni teaches providing a priced object to a second electronic business at Figure 2, element 32, Figure 4, element 66 and column 4, lines 15-41, which read as follows:

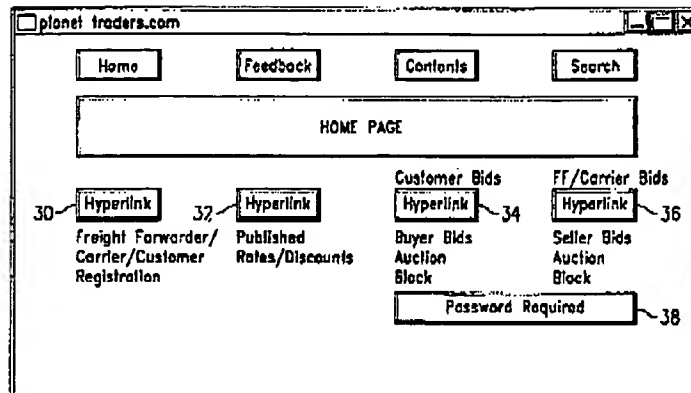


FIG. 2

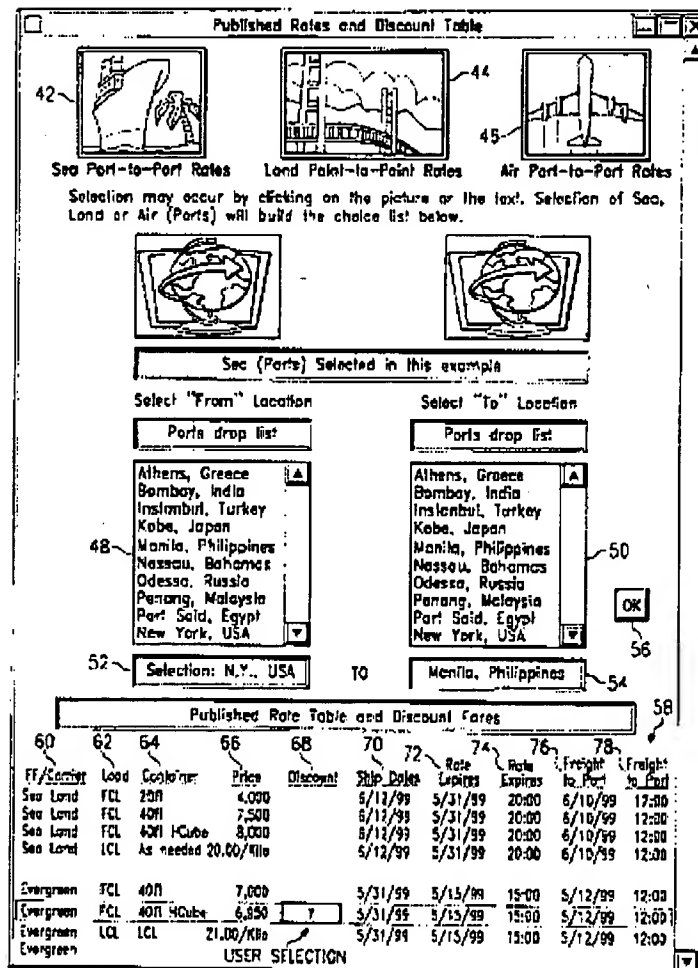


FIG. 4

FIG. 2 is a simplified user interface illustrating a home page for the web site of the present invention. A user, which may be a customer or a carrier/forwarder as will be seen, navigates to this page in the usual manner, i.e., by entering the URL for the page in the user's web browser or by activating a bookmark or link. The home page preferably includes a set of links. A first link 30 navigates to a registration page illustrated in FIG. 3. A second link 32 navigates to a published rates page as illustrated in FIG. 4. A third link 34 navigates to an auction block and, in particular, to a page at which customer bids are posted. Such bids are sometimes referred to herein as buyer bids because they are bids by which customers buy the right to ship goods on particular shipping lanes of interest at auctioned rates. A fourth link 36 navigates to the auction block and, in particular, to a page at which forwarder/carrier bids are posted. Such bids are sometimes referred to herein as seller bids because they are bids by which freight forwarders and carriers sell the right to ship goods on particular shipping lanes of interest at auctioned rates. As will be seen, the participants may use the auction block anonymously. As illustrated in FIG. 2, preferably a password is required before a given participant (buyer or seller) may access the auction block. To this end, a user may enter the password in the field 38 or, alternatively, select a password button that calls a CGI script (or the like) that must be completed before the participant obtains access to the auction block. This is not a requirement of the present invention, however.

(Column 4, lines 15-41)

In column 4, lines 15-42 and the associated Figures, Barni describes element 32 as a navigation button to a published rates page. If the user selects the published rates page navigation button, the information of Figure 4 is displayed containing information relating to the published rates of various freight forwarders and carriers. In response to a user selecting a type of transport and a shipping lane, rates (element 66) are displayed for the freight forwarders and carriers that provide the selected type of transport and service the selected shipping lane. However, these teachings do not teach receiving by a second data processing system in a second electronic business the priced object from the client computer, wherein the second electronic business modifies the priced object. The priced object (element 66) of Barni is received from the freight forwarders and carriers and not the client. While Barni's priced objects are displayed in a published rates page, the published rates page is still part of the original first business and not a second electronic business. Furthermore, the priced object of Barni is not modified but, rather, merely

presented in response to the selection of the type of transport and a shipping lane by the user.

Additionally Barni does not teach transmitting by the second data processing system the modified priced object to the client computer. As shown above, Barni does not teach a second electronic business, nor does Barni teach the modification of the priced objects displayed as element 66.

Independent claims 13, 15, 29 and 42 recite similar features to that of independent claims 1, 17 and 31. That is, independent claim 13, which is representative of the other rejected independent claims 29 and 42 with respect to similarly recited subject matter, recites "sending the priced object to a second electronic business server; and receiving an adjusted priced object from the second electronic business server, wherein the second electronic business server adjusts the priced object." Independent claim 15 recites "receiving the priced object at a second data processing system in the second electronic business; comparing the first terms of sale of the item with second terms of sale of the item associated with the second electronic business; and modifying the second terms of sale of the item based on the comparison of the first terms of sale with the second terms of sale."

Thus, Barni does not teach each and every feature of independent claims 1, 13, 15, 17, 29, 31 and 42 as is required under 35 U.S.C. § 102. At least by virtue of their dependency on independent claims 1, 17 and 31, the specific features of dependent claims 3-12, 19-28 and 33-41 are not taught by Barni. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 3-13, 15, 17, 19-29, 31 and 33-42 under 35 U.S.C. § 102.

Furthermore, Barni does not teach, suggest or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Examiner pointing out some teaching or incentive to implement Barni such that a priced object is received from the client at a second data processing system in a second electronic business, wherein the second electronic business modifies the priced object and the modified priced object is transmitted from the second electronic business to the client, one of ordinary skill in the art would not be led to modify Barni to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion or incentive to

modify Barni in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

Moreover, in addition to their dependency from independent claims 1, 17 and 31, the specific features recited in dependent claims 3-12, 19-28 and 33-41 are not taught by Barni. For example, with regard to claims 4-6, 20-22 and 34-35, Barni does not teach storing the priced object in a storage device associated with the first electronic business, a client device or a third party device. The Office Action alleges that these features are taught at column 6, lines 7-17, which reads as follows:

As illustrated in FIG. 5, the information in the selected row of the published rate table is used to populate this interface screen. The screen also includes a set of fields 80 and 82 that identify the shipping lane. The user may accept the rate by entering a customer number in the field 84, entering a number of containers desired in the field 86, and then selecting an Accept link 88. Upon acceptance, the server may send a confirmation e-mail both to the customer and the carrier. In particular, the server preferably includes a database that associates a given confirmation number with the identified carrier, shipping lane and rate. Preferably, the carrier is charged a given fee for this service.

All this section of Barni teaches is the sending of an e-mail upon acceptance of a published rate. There is no teaching in this section, or any other section of Barni, that explicitly teaches storing the priced object in a storage device associated with the first electronic business, a client device or a third party device.

As an additional example, with regard to claims 9, 25 and 38, Barni does not teach receiving the priced object by a second electronic business includes informing the second electronic business of a storage location of the priced object. As discussed above, Barni teaches a priced object received from the freight forwarders and carriers and not the client. Barni's priced objects are displayed in a published rates page, the published rates page is still part of the original first business and not a second electronic business. Thus, in addition to Barni not teaching these features, Barni does not teach a storage location of the priced object by the second electronic business.

As a further example, with regard to claims 11, 27 and 40, Barni does not teach the priced object includes authentication information for authenticating the priced object as being authorized by the first electronic business. The Office Action fail to provide a

section of Barni that teaches this feature. Applicants respectfully submit that there is no section of Barni that teaches authentication or the authentication of a priced object by a first electronic business. If the Examiner feels that Applicants assertion is incorrect, Applicants respectfully request the Examiner provide an exact section of the Barni reference that teaches this feature.

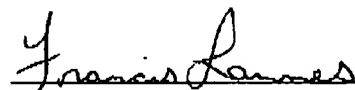
Therefore, in addition to being dependent on independent claims 1, 17 and 31, dependent claims 3-12, 19-28 and 33-41 are also distinguishable over Barni by virtue of the specific features recited in these claims. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 3-12, 19-28 and 33-41 under 35 U.S.C. § 102.

III. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: December 8, 2004



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